

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRICKMAN INVESTMENTS, INC., *Individually
and on Behalf of all others similarly situated,*

Plaintiff,

vs.

SECURITY CAPITAL ASSURANCE LTD, PAUL
S. GIORDANO, DAVID SHEA, GOLDMAN,
SACHS & CO, J.P. MORGAN SECURITIES INC.,
MERRILL, LYNCH, PIERCE, FENNER & SMITH
INC., and XL INSURANCE LTD.,

Defendants.

CASE #: 1:07-cv-11086-DAB

2 WEST, INC., *On Behalf of Itself and all others
similarly situated,*

Plaintiff,

vs.

SECURITY CAPITAL ASSURANCE LTD, XL
INSURANCE, LTD, PAUL S. GIORDANO, and
DAVID P. SHEA,

Defendants.

CASE #: 1:07-cv-11358-DAB

**NOTICE OF MOTION OF EMPLOYEES' RETIREMENT SYSTEM OF
THE STATE OF RHODE ISLAND FOR CONSOLIDATION, APPOINTMENT
AS LEAD PLAINTIFF, AND APPROVAL OF ITS CHOICE OF LEAD COUNSEL**

ROBERT CLARKE, *Individually and on Behalf of
all others similarly situated,*

Plaintiff,

vs.

SECURITY CAPITAL ASSURANCE LTD, PAUL
S. GIORDANO, DAVID P. SHEA, XL
INSURANCE, LTD., MERRILL LYNCH, PIERCE,
FENNER & SMITH, INC., GOLDMAN, SACHS &
CO., and J.P. MORGAN SECURITIES INC.,

Defendants.

CASE #: 1:08-cv-00158-UA

PLEASE TAKE NOTICE that class member Employees' Retirement System of the State of Rhode Island ("Rhode Island") hereby moves this Court pursuant to Fed. R. Civ. P. 42(c) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 and 15 U.S.C. § 77z-1, at the United States District Court for the Southern District of New York, located at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order: (a) consolidating all of the above actions into one action for all purposes; (b) appointing Rhode Island to serve as lead plaintiff; and (c) approving Rhode Island's selection of counsel for the class.

In support of its motion, Rhode Island submits: (a) the Declaration of Joseph R. Seidman, Jr., dated February 5, 2008, and annexed exhibits; (b) a Memorandum of Law, dated February 5, 2008; and (c) a Proposed Order granting Rhode Island's motion for consolidation, appointment as lead plaintiff, and approval of its selection of lead counsel for the class.

DATED: February 5, 2008

Respectfully submitted,

BERNSTEIN LIEBHARD & LIFSHITZ, LLP

/s/

Sandy A. Liebhard (SL-0835)
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***Counsel for Rhode Island and Proposed
Lead Counsel for the Class***

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon the following counsel of record in the consolidated actions filed in this Court, First Class Mail prepaid this 5th day of February, 2008:

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/s/

JOSEPH R. SEIDMAN, JR.